

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself ) and on behalf of others similarly situated, ) Plaintiffs ) v. ) ROBERT J. GARVEY, and PATRICK J. ) CAHILLANE in their individual capacities, ) Defendants )	Civil Action No. 05-30017-MAP
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**SCHEDULING MEMO**

**I. Pre-Discovery Disclosures**

The plaintiffs have provided the defendants with the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure on April 22, 2005.

**II. Joint Discovery Plan**

The parties jointly propose to the court the following discovery plan:

**Time limits**

- a. Discovery will be phased. The first phase will be discovery relating to class certification issues. The second phase will be on issues relating to liability. The parties anticipate that they will file cross motions from summary judgment after the second phase. The third phase will be on damages leading up to trial of damages.
- b. Class discovery will be completed by October 28, 2005.
- c. A motion for class certification will be filed by December 9, 2006.
- d. Liability discovery will end on April 28, 2006.

e. Plaintiff's motion for summary judgment will be filed by June 9, 2006. Defendants' opposition and any cross motion for summary judgment will be filed on August 25, 2006.

f. Phase three discovery will be subject to another scheduling order after the parties have filed cross motions for summary judgment.

g. Reports from retained experts under Fed.R.Civ. P. 26(a)(2) are due from plaintiff by May 12, 2006 and from defendant by June 22, 2006.

#### **Extension of Discovery Events**

h. Each party may serve a maximum of forty-five interrogatories on any other party in each phase of discovery.

i. Each party may serve a maximum of forty requests for admission on any other party.

j. Each party may take a maximum of twenty-five depositions in the liability phase of discovery.

#### **III. Other Items**

Amendments to the Complaint: Additional class representatives may also be added as named plaintiffs. Plaintiff expects to file a motion to amend the complaint after discovery on the class and the policy.

#### **IV. Certifications**

Plaintiff and defendants have filed their certifications as required by L.R. 16.1.

RESPECTFULLY SUBMITTED,  
For the plaintiffs,

/s/ Howard Friedman

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Patrick J. Cahillane,  
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